

*Scotland County Board of Commissioners regular meeting  
1405 West Boulevard, Laurinburg, November 3, 2003*

**MINUTES**  
**Scotland County Board of Commissioners**  
**Regular Meeting, November 3, 2003**  
**Scotland County Complex, 1405 West Boulevard, Laurinburg, NC**

At 7 p.m., Chairman David Burns called the regular meeting to order. Commissioners in attendance: Chairman David Burns, Vice Chair Nancy J. Shelley, Betty Blue Gholston, Charles “Scoofer” Jordan, Sam Snowdon, Clint Willis and J.D. Willis. Staff in attendance: County Manager Scott Sauer, County Attorney Ed Johnston and Clerk to the Board Ann W. Kurtzman. Vice Chair Shelley delivered the invocation. The Pledge of Allegiance was recited.

**Special Presentation:**

Chairman Burns presented the Order of the Long Leaf Pine certificate, signed by Governor Mike Easley, to Ms. Becca Hughes. Chairman Burns said many area officials wrote letters to the Governor in support of her receiving this recognition. He said the County is appreciative of her efforts in raising more than \$1.6 million toward the Community Recreation Center. The Chairman said the governing body is grateful for all her fundraising efforts that improve the lives of citizens living in Scotland County.

**Public Forum:**

**Cooperative Extension Director Cathy Graham:** A follow-up was provided on her search for possible grants for Central School. Dr. Graham said getting Central School listed on the National Historic Registry would provide the most accessible amount of funding. Dr. Graham said other grant-based funding is available, but the amounts are much smaller ranging from \$800 to \$10,000. Chairman Burns thanked Dr. Graham and said the Board would provide her with further direction next month.

**Jan Elliott, DSS Director:** Ms. Elliott said the recent Job Fair at the National Guard Armory was successful with 271 registered job seekers and 12 booth sites for them to visit. She said four people were hired on the spot, and many applications were accepted. Ms. Elliott thanked Phyllis Clark at DSS for organizing it and Commissioner Clint Willis for his preparatory support of the event.

**Planning and Zoning**

**a. Public Hearing – Rezoning Application #438**

Thomas/Strickland Auto Recyclers rezoning application is also referred to as Rezoning Application #438. The applicant requests to request to rezone a portion of tax map 256, Block 01, Parcel 37 from Light Industrial (I1) to Heavy Industrial (I2) to allow any of the permitted uses specified in Scotland County Zoning Ordinance, Heavy Industrial District, Permitted Uses, Section 30.2.

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The site has frontage on Old Lumberton Road and US 74 with operations conducted off Old Lumberton Road as US 74 at this location is a limited access facility. The site is completely fenced with a large grassed opening having two buildings located along the western side of the site, having approximately 5,700 and 3,500 square feet each. Trees, including the frontage along US 74, border the property boundaries. Access is by a single driveway on Old Lumberton Road.

Planning Director Marcus Norton said that the Planning and Zoning Board and the staff recommendation is to approve Rezoning Application #438.

Chairman Burns called the Public Hearing and asked if anyone wished to speak against or in favor of application #438.

Mr. Stewart Thomas, a principle in Thomas/Strickland Auto Recyclers distributed additional information about the proposed business. He assured the Board that the business would be environmentally responsible.

No one else came forward to speak at the Public Hearing.

**Motion was made by Commissioner Jordan and duly seconded by Vice Chair Shelley to approve Rezoning Application #438. Vote: Motion unanimously approved.**

**b. Code Enforcement Update**

Mr. Norton provided an update of Land Use Ordinance Violations and Code Enforcement effort. He discussed past progress and next steps to resolve violations.

He said efforts now extend into a greater utilization of the Magistrate's Office for those who have been unwilling to correct violations and a broader effort to achieve compliance in accordance with all Scotland County Land Use Ordinances.

He asked the Board of Commissioners for its continued support in the Code Enforcement effort.

***The Board of Commissioners, by consensus, agreed that Mr. Norton and his Office should continue to proceed in the direction in which it is heading as it applies to Code Enforcement.***

**c. Transportation Improvement Plan (TIP)**

Mr. Norton discussed updates to the Transportation Improvement Plan (TIP) projects, which will be presented November 18 during a NCDOT Public Hearing. He said that I74 is a known number one priority and therefore, is not on the project list. He said in order of importance multi-lane widening of US401 is the next priority followed by multi-lane widening of US15-401. Construction of a connecting road from US74 in Scotland

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County through Hoke to Cumberland County, improving the X-Way and Turnpike Roads intersection follow on the list.

Mr. Norton stressed that incremental development along these corridors can be devastating or a benefit because they provide an impression of the quality of life in an area. Therefore, such incremental development is critical, should be impressive and reflect a high quality of life in the area.

He thanked Commissioner Clint Willis, Regional Transportation Organization Chairman, for all his work and guidance on the TIP.

**Item 2. Joint Land Use Study (JLUS) Update**

Commissioner Clint Willis briefly discussed the significance of the 30-year Joint Land Use Study (JLUS). He said the integrity of the JLUS, which received support by the Commissioners earlier in the year, must be preserved. He said some communities for unique reasons voiced concerns about the Plan. Commissioner Clint Willis said it is not the intention to change the plan. Those communities with concerns would be invited to develop their own plans to be annexed to the comprehensive JLUS. Commissioner Clint Willis asked for the Board's support.

**Motion was made by Commissioner Clint Willis and duly seconded by Vice Chair Shelley to support Commissioner Clint Willis as JLUS Chairman to allow those communities to annex their plans to the JLUS. Vote: Motion unanimously approved.**

**Item 3. Consent Agenda:**

- a) **Approval of minutes of the Board of Commissioners, October 6, 2003 regular meeting.**
- b) **Approval to declare listed weapons as surplus property for trade-in, and approve the purchase of thirty-five (35) new service weapons for the Sheriff's Department**
- c) **Approve request by Scotland County Juvenile Crime Prevention Council (JCPC) to seek \$100,000 from the Governor's Crime Commission. A Scotland County match of \$12,500 would be required.**
- d) **Approve FY2004-2005 Community Transportation Program Application. (No one responded to the advertised request for Public Hearing)**

**Applicant Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With The North Carolina Department Of Transportation And to Provide the Necessary Assurances.**

**WHEREAS**, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

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**WHEREAS**, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

**WHEREAS**, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

**WHEREAS**, SCOTLAND COUNTY hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

**NOW, THEREFORE**, be it resolved that the COUNTY MANAGER of THE BOARD OF COMMISSIONERS is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

- e) **Consider establishment of Temporary Foster Care Position at DSS**
- f) **Approve new fee increases for Health Department services based upon increases in Medicaid reimbursement received from the Division of Medicaid Assistance October 1, 2003.**
- g) **Budget Amendments**
  - 1) **EMS: Accept \$35,682.20 Duke Endowment funds for the purchase of 20 Automatic External Defibrillators (AED). No County dollars involved.**
  - 2) **DSS: Accept \$1,687 in additional funds for Domestic Violence. No County dollars involved.**
  - 3) **DSS: Accept additional funding in the amount of \$71,940. No County dollars involved.**
  - 4) **4-H: Rescind acceptance \$12,000 for the 4-H Program.**
  - 5) **Health Department: Approve receipt of \$57,890 in funding State Department of Health and Human Services.**
- h) **Approve Finance Officer authorization, a technical amendment which was inadvertently omitted from the FY2003-2004 Budget Ordinance.**

Commissioner Jordan asked about the hiring of a Temporary Foster Care Position.

DSS Director Jan Elliott said that DSS currently is handling more youth than usual in the Foster Care Program, and the caseload per worker has been exceeded. She said the

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position would assist in processing the caseload with minimal delay. Ms. Elliott said the funding for the position would come from lapsed salaries. She would not ask for additional funding from the Commissioners.

Vice Chair Shelley asked about the \$12,500 match for the Governor's Crime Commission. Juvenile Justice Supervisor Rogena Deese said the match would come from Scotland County Juvenile Crime Prevention Council (JCPC), not the County.

**Motion was made by Commissioner Gholston and duly seconded by Commissioner Clint Willis to approve the Consent Agenda. Vote: Motion unanimously approved.**

**Item 4. Mental Health**

**a. Mental Health Reform update**

Mr. Stephen Ramey, Area Director and CEO, Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, distributed a quarterly update for July 2003 to September 2003 on the Southeastern Regional Area Program and Local Management Entity. He said comment has not yet been received from the Division of MH/DD/SAS regarding either its January 1, 2003 or the April 1, 2003 Local Business Plan submissions.

**b. Facility plan request**

Mr. Ramey distributed a letter to the Commissioners outlining the current and future facility needs of MH/DD/SAS in Scotland County.

He requested that the Commissioners continue to provide 1224 Biggs Street for Scotland Enterprises and that the entire facility at 507 West Covington Street be provided for current and future governmentally operated behavioral health care services.

***Chairman Burns directed the County Manager to pull together information the Board of Commissioners might need for future consideration of Mr. Ramey's facility request.***

Commenting on mental health reform, Commissioner Gholston said she is concerned that it is transitioning into the private sector, and she would like to see more public input on this issue. Commissioner Snowdon said it is too late to do anything with regard to participation by the private sector. Mr. Ramey suggested that there might be some concessions made and some tweaking to the plan.

**Item 5. Health Department**

**a. Violation of control legislation request**

Health Director Jane Murray said she would like to ask Senator Purcell to review current legislation and perhaps introduce new legislation, which would make violation of control measure a Class E Felony instead of a misdemeanor. She said Assistant District Attorney Chris Rhue recently and successfully got a man sentenced to between 90 to 110 years for

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violation of an HIV control measure. She said when an individual knowingly and willfully infects another individual with HIV, it should be considered as “assault with a deadly weapon.” She praised Mr. Rhue and introduced him to the Board of Commissioners.

**Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis authorizing the Health Department to make a formal request of Senator Bill Purcell to review the current legislation and to introduce new legislation, which would make the violation of control measure a felony. Vote: Motion unanimously approved.**

**b. State Bioterrorism Exercise**

Ms. Murray said Scotland County is one of only eight counties in the State that is participating in a Bioterrorism Exercise. She introduced Scotland County Preparedness and Response Coordinator Dawn McDonald to discuss further the Health Department’s participation in the exercise.

Ms. McDonald said that Phase I of the exercise took place October 22-24 with the simulated release of an aerosolized pneumonic plague. Phase II of the exercise will take place November 14 at Scotland Place, where the Health Department will simulate giving antibiotics to 200 people in the area. The 200 volunteers each will receive a card identifying who they are and their individual health and ethnic situations. She invited the governing body to volunteer and participate in the Phase II effort.

**Item 6. County Engineer’s Report**

**Health Department Expansion --** Work is progressing well with the expansion of the Health Department. The final rough in should be completed this week with dry wall and brickwork to start next week. We are within budget but the schedule may have slipped a little due to delivery delays.

**Accelerated Academy Sewer --** We are still awaiting delivery of materials for the project. The contractor expects the work to restart shortly.

**Recreation Complex Update --** Work is moving forward on the complex with emphasis on the splash pad. The timber has been bid and awarded with harvest to be completed by the end of December. The site survey has been sent to the planner and County staff should start clearing the site by the first of the year. The splash pad is scheduled for a June 1 completion.

**Solid Waste Enforcement --** Solid Waste Enforcement is through local Ordinance #22. I have attached pages 20 through 23 of the ordinance, which covers penalties both civil and criminal. Violations are normally processed through the criminal section of the ordinance that carries the higher penalties with a provision for imprisonment. The District

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Attorney's office and the Solid Waste Enforcement Officer, Ms. Medlin, try the cases without incurring the costs associated with civil court.

In addition to answering complaints and citing violations Ms. Medlin administrates community service workers picking up litter, the jail inmate road crew picking up litter, collects the money from the recycle sites and provides an educational program for our youth.

In the future I will give an enforcement report in the Engineer's Report each month. The following is the information I will report:

**Month of October**

Complaints Received & Responded	29
Court Summons issued	6
Cases Pending in Court	9
Hours of Community Service	182
Hours of Jail Road Crew	62

If there is additional information needed we will be glad to add it.

**Item 7. Appointments to Boards and Committees**

**Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis to appoint Sallyanne Clark to the Cable Television Local Advisory Committee. Vote: Motion unanimously approved.**

**Motion was made by Vice Chair Shelley and duly seconded by Commissioner Gholston to appoint Becca Hughes, Freddie Williamson and Marcia Coble to the Healthy Carolinians Steering Committee. Vote: Motion unanimously approved.**

**Item 8. County Manager's Report**

The County Manager reminded the Board of the City of Laurinburg's request for funding supporting a fireworks display July 4, 2004. He said the City Council already has committed funding to the event. ***There was no response from the Board on this request.***

The County Manager suggested the weekend of February 20 and 21, 2004 as the Planning Retreat. He said Mr. Dick McMahon would be available to act as facilitator.

The Board agreed to the February 20 and 21, 2004 Planning Retreat. ***Consensus of the Board was not to contract with a facilitator for the 2004 Planning Retreat.***

The County Manager distributed proposal information from management consultants who specialize in government efficiency assessment services – THM, MGT and Maximus.

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**Motion was made by Commissioner Jordan and duly seconded by Vice Chair Shelley to enter into a contract with MGT of America in Columbia, SC, for \$38,500 from Fund Balance to conduct the Scotland County government assessment/efficiency study. Vote: For: Chairman Burns, Vice Chair Shelley and Commissioners Gholston, Jordan, Snowdon and Clint Willis. Vote: Against: Commissioner J.D. Willis.**

The County Manager said that MGT would be able to complete its study by the end of February 2004.

Chairman Burns said he would like MGT to interview each of the Commissioners as part of the study.

Commissioner J.D. Willis said now that the County Tax Administrator position would become vacant, has any thought been given to a consolidated City/County tax collection effort. County Manager Sauer said that is an issue the consultants also could research.

The County Manager said the State's lease for probation offices on James Street across from the Jail would expire June 30, 2004. Judicial District Parole Manager Frank Davis has asked the County Engineer to explore the possibility of using the first floor of the primary wing of Central School, which is also on James Street, as a leased area for Probation.

Commissioner J.D. Willis said he views that possibility as a first step toward increasing government.

Chairman Burns said he hopes to put the issue of Central School to rest during the February Planning Retreat.

Commissioner Clint Willis said the Board must look at all facility space, which he said is critical. He used DSS as an example.

Commissioner J.D. Willis agreed space issues must be addressed but questioned whether the use of Central School is the answer to County government space needs.

#### **Item 9. Other Information**

Vice Chair Shelley said a citizen contacted her inquiring about the possibility of developing a leash law.

Health Department Director Jane Murray indicated that such a law would raise staffing issues in animal control.

#### **Item 10. Closed Session**

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**Motion was made by Vice Chair Shelley and duly seconded by Commissioner Clint Willis held in accordance with N.C. General Statute §143-318.11(a)(3) to consult with an attorney on Gilbert Johnson v. Scotland County. Vote: Motion unanimously approved.**

**OPEN SESSION RESUMED**

**Motion was made Commissioner Snowdon and duly seconded by Commissioner Clint Willis to adjourn.**

Chairman Burns suggested a recess since the governing body has been invited to a November 12, 2003 joint meeting with the City of Laurinburg, Chamber of Commerce and Richmond Community College to discuss revitalization of the “old hospital.”

**Commissioner Snowdon withdrew his motion to adjourn and made a motion to recess to 5: 30 p.m., November 12, 2003, in the A.B. Gibson Center. Commissioner Clint Willis withdrew his second to adjourn and duly seconded the motion to recess. Vote: Motion unanimously approved.**

Respectfully Submitted,

Ann W. Kurtzman  
Clerk

David L. Burns  
Chairman